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JAMES RIVER INSURANCE COMPANY

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

EILEEN MUNGUIA, an individual,
Plaintiff,

vs.

JAMES RIVER INSURANCE
COMPANY, a foreign corporation;
DOES I through X, inclusive and ROE
BUSINESS ENTITIES I through X,
inclusive,
Defendants.

Case No. 2:20-CV-01704-APG-BNW
**STIPULATION AND ORDER TO
EXTEND DISCOVERY
(FIRST REQUEST)**

Plaintiff, Eileen Munguia, by and through her attorneys of record, Ramzy P. Ladah, Esq. and Carl R. Houston, Esq. of Ladah Law Firm, and Defendant, James River Insurance Company by and through its attorneys of record, Lucian J. Greco, Jr, Esq., Jared G. Christensen, Esq. and Deleela M. Weinerman, Esq. of Bremer Whyte Brown and O'Meara, LLP, hereby and for good cause described in this stipulation, and in accord with Local Rule 6-1 and Local Rule 26-3, the parties hereby request this Honorable Court to adopt and approve this stipulated extension to the discovery plan

1 and continue the discovery deadlines 90 days as requested herein.

2 **I. LOCAL RULE 6-1 IS SATISFIED**

3 This is the first request for extension of discovery deadlines filed by the parties.
4 Pursuant to the Stipulated Discovery Plan and Scheduling Order from December 1,
5 2020, the following dates govern for purposes of discovery:

- | | | |
|----|---------------------------------|----------------|
| 6 | 1. Expert Disclosures: | March 14, 2021 |
| 7 | 2. Rebuttal Expert Disclosures: | April 13, 2021 |
| 8 | 3. Discovery Cutoff Date: | May 13, 2021 |
| 9 | 4. Dispositive Motions: | June 12, 2021 |
| 10 | 5. Joint Pre-Trial Order: | July 12, 2021 |

11 Due to Covid-19, there have been delays in conducting discovery. Plaintiff
12 produced a HIPAA authorization on January 13, 2021 and Defendant send out Medical
13 Records Requests to Plaintiff's treatment providers on January 15, 2021. As such,
14 Defendant is still waiting on records from a number of providers, the records of which
15 are necessary for initial expert disclosures. Furthermore, the parties are in the midst of
16 settlement discussions and would like an opportunity to resolve this matter prior to
17 retaining experts and conducting further discovery. As such, the parties need additional
18 time to procure records, discuss settlement, retain experts, schedule depositions, and
19 to complete any additional discovery. Accordingly, the parties are requesting a 90-day
20 extension to all discovery deadlines.

21 The instant request comports with Local Rule 6-1, in that no request is being
22 made after the expiration of the specified period.

23 **II. LOCAL RULE 26-3 IS SATISFIED**

24 The instant request to extend discovery deadlines satisfies the requisites of Local
25 Rule 26-3. Additionally, good cause exists for the extension. While the parties would
26 like to reach a settlement, due to Covid-19, there have been delays in conducting
27 discovery. Plaintiff produced a HIPAA authorization on January 13, 2021 and
28 Defendant send out Medical Records Requests to Plaintiff's treatment providers on

January 15, 2021. As such, Defendant is still waiting on records from a number of providers, the records of which are necessary for initial expert disclosures. Furthermore, the parties are in the midst of settlement discussions and would like an opportunity to resolve this matter prior to retaining experts and conducting further discovery. As such, the parties need additional time to procure records, discuss settlement, retain experts, schedule depositions, and to complete any additional discovery. Accordingly, the parties are requesting a 90-day extension to all discovery deadlines.

Listed below is a statement specifying the discovery completed in this case:

| | |
|--|-------------------|
| Plaintiff's Initial Disclosures of Witnesses and Documents | November 30, 2020 |
|--|-------------------|

| | |
|---|-------------------|
| James River Insurance Company's Initial Early Case Conference List of Witnesses and Documents Pursuant to F.R.C.P. 26(a)(1) | December 29, 2020 |
|---|-------------------|

Based on the foregoing, it is necessary to extend the discovery deadlines, so the parties can procure records, discuss settlement, retain experts, schedule depositions, and to complete any additional discovery.

Finally, under Local Rule 26-3(d), it is necessary to articulate a proposed schedule for completing all remaining discovery. The parties are requesting an additional 90 days be afforded for discovery.

The following deadlines are requested.

- | | |
|---------------------------------|--------------------|
| 1. Expert Disclosures: | June 14, 2021 |
| 2. Rebuttal Expert Disclosures: | July 14, 2021 |
| 3. Discovery Cutoff Date: | August 11, 2021 |
| 4. Dispositive Motions: | September 10, 2021 |

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5. Joint Pre-Trial Order:

October 11, 2021

The parties hereby stipulate to the proposed changes in the discovery deadlines.

Dated this 1st day of February 2021

Dated this 1st day of February 2021

LADAH LAW FIRM

BREMER WHYTE BROWN &
O'MEARA, LLP

By: /s/ Carl R. Houston

By: /s/ Deleela M. Weinerman

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Attorneys for Defendant,

James River Insurance Company

ORDER

IT IS SO ORDERED:

Dated: 2/8/2021



UNITED STATES MAGISTRATE JUDGE

The **STIPULATION AND ORDER TO EXTEND DISCOVERY (FIRST REQUEST)** in 2:20-CV-01704-APG-BNW was submitted by:

BREMER WHYTE BROWN & O'MEARA LLP

By: /s/ Deleela M. Weinerman, Esq.

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